

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2011-267-C - ORDER NO. 2011-540

JULY 29, 2011

IN RE: Petition of Windstream South Carolina, LLC)	ORDER REVERSING
Requesting the Commission's Intervention in)	NUMBERING
Numbering Resources Determinations in the)	DETERMINATION
Lexington Rate Center)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Petition of Windstream South Carolina, LLC (“Windstream” or the “Company”) for review of the North American Numbering Plan Administrator’s and/or the Pooling Administrator’s (collectively “NANPA/PA” also known as “Central Office Code Administration”) central office code numbering resources decision to deny the Company’s request for numbering resources in the Lexington Rate Center (803 area code). Windstream states it needs a new Local Routing Number (“LRN”) for a new packet switch deployment to allow for a new VOIP product offering that is not available on the legacy Lexington switch. Windstream further states it has verified that existing NXX blocks are not available to be moved for the purpose of establishing the new LRN nor was there a clean block that could be intra-service provider ported to the new switch. The Company states it needs these numbering resources to compete in the rapidly growing telecommunications marketplace, and asks that the Commission reverse NANPA/PA’s denial.

NANPA/PA's denial of the requested numbering resources stems from the Federal Communications Commission's ("FCC") "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must exhaust their numbering inventory within six months of the application and meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources. However, the record reveals that Windstream does not meet these requirements.

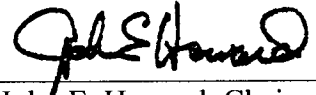
Although Windstream fails to meet NANPA/PA's requirements, the FCC maintains a policy that "under no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 000-429 at ¶ 61. To this end, the FCC allows carriers to challenge a NANPA/PA decision at the appropriate state regulatory commission. FCC 01-362 at ¶¶ 61-66; Central Office Code (NXX) Assignment Guidelines § 13.0. States may grant relief "if a carrier demonstrates that it has received a request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362 at ¶ 64.

We find that the South Carolina Public Service Commission, as the regulator of the rates and service of telecommunications companies under the authority of S.C. Code Ann. § 58-9-210 et seq., has the authority under both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines to review a decision by NANPA/PA denying a request for numbering resources. We further find that Windstream has demonstrated a need for numbering resources that it cannot meet with its current inventory. It is our opinion that these additional numbering resources are necessary for Windstream to

provide competitive service. Consequently, we hold that NANPA/PA is directed to approve Windstream's request for an NXX that would allow it to establish an LRN for the new switch in the Lexington Rate Center (803 area code).

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THIS COMMISSION:



John E. Howard, Chairman

ATTEST:



David A. Wright, Vice Chairman
(SEAL)